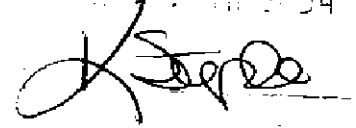


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
DISTRICT COURT
SAVANNAH DIV.

2005 JUN 2 54



CHRIS JAZAIRI,)	
Plaintiff.)	
VS.)	CIVIL ACTION
)	FILE NO.: CV-04-404-091
ROYAL OAKS APARTMENT)	
ASSOCIATES, L.P., Its Parent Company)	
And Subsidiaries, And)	
MITCHELL L. MORGAN)	
MANAGEMENT, INC.)	
Defendants,)	

PLAINTIFF'S FIRST MOTION IN LIMINE
RE: DR. BROOKS

I. THE MOTION IN LIMINE IS TIMELY

Defendant's timeliness argument is puzzling. Plaintiff has filed a motion in limine to limit evidence at trial. Plaintiff has not filed a dispositive civil motion. The evidence that is the subject of the motion is the testimony of Dr. Brooks. Motions in limine are common practice prior to trial. Motions in limine are expressly excluded from the civil motions which are required by February 15th. The motion in limine is not subject to the scheduling order's deadline of February 15th. Plaintiff's motion was filed well in advance of trial.

Defendant has filed a motion to exclude the testimony of certain of Plaintiff's witnesses. However, Defendant's dispositive civil motion for summary judgment depended on the exclusion of evidence in order to sustain the motion. Therefore, Defendant chose to file the evidentiary motion at the same time as it filed its dispositive civil motion.

II. DR. BROOKS HAS NOT EXPLAINED THE BASIS OF HIS OPINION OF A PSYCHOLOGICAL COMPONENT

Defense counsel in its brief attempts to explain the basis of Dr. Brooks opinion, however, Dr. Brooks has not submitted any explanation. Defense counsel cannot testify on Dr. Brooks opinion or the basis for the opinion. The opinion remains speculative and without any support on a reliable methodology.

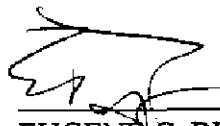
III. DR. BROOKS FAILED TO IDENTIFY SPECIFIC SCIENTIFIC AND MEDICAL LITERATURE

Defendant attempts to save the testimony of Dr. Brooks by referring to specific articles which Dr. Brooks did not refer to. Defense counsel has now referred in his brief to specific articles and speculates that Dr. Brooks relied on these articles. However, Dr. Brooks only referred generally to literature and he did not specify which articles he was relying on.

CONCLUSION

The remaining arguments raised by Plaintiff were adequately covered in the initial brief and do not require additional comment. Plaintiff respectfully requests that Plaintiff's motion in limine be granted.

THIS, the 27 day of May, 2005.



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CERTIFICATE OF SERVICE

This will certify that the undersigned today placed the attached discovery in the United States Mail to all counsel of record as follows:

Attorneys for Mitchell Management d/b/a Royal Oaks

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This 27 day of May, 2005.



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